
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Passaic Valley Sewerage Commissioners)	File No. EB-FIELDNER-14-00013035
Licensee of Radio Station KOB356)	
Newark, New Jersey)	NOV No. V201432380004
)	

NOTICE OF VIOLATION

Released: January 8, 2014

By the District Director, New York Office, Northeast Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules)¹ to Passaic Valley Sewerage Commissioners (Passaic), licensee of Public Safety Radio Station KOB356 in Newark, New Jersey. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violations noted herein.²

2. On December 9 and 10, 2013, in response to an interference complaint from the Middlesex County Fire Department, an agent from the New York Office monitored transmissions on the frequency 453.575 MHz and observed the following violation:

47 C.F.R. § 1.903(a): "Stations in the Wireless Radio Services must be used and operated only in accordance with the rules applicable to their particular service as set forth in this title and with a valid authorization granted by the Commission under the provisions of this part...." Station KOB356 is authorized to operate its base station on the frequencies 453.575 MHz and 458.575 MHz from Mount Pleasant Avenue and Marcella Avenue in West Orange, New Jersey (40° 47' 16.4" N/74° 15' 15.5" W). At the time of the inspection, the agent found that Station KOB356 was operating its base station from an unauthorized location at 600 Wilson Avenue in Newark, New

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

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Jersey (40° 42' 52.0" N/074° 08' 07.1" W), which is approximately 8.00 miles from its authorized location.

3. Pursuant to Section 403 of the Communications Act of 1934, as amended,³ and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Passaic must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁴

4. In accordance with Section 1.16 of the Rules, we direct Passaic to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized official of Passaic with personal knowledge of the representations provided in Passaic's response, verifying the truth and accuracy of the information therein,⁵ and confirming that all of the information requested by this Notice which is in the company's possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁶

5. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

³ 47 U.S.C. § 403.

⁴ 47 C.F.R. § 1.89(c).

⁵ Section 1.16 of the Rules provides that "[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)'." 47 C.F.R. § 1.16.

⁶ 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

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New York Office
201 Varick Street, Suite 1151
New York, NY 10014

6. This Notice shall be sent to Passaic Valley Sewerage Commissioners at its address of record.

7. The Privacy Act of 1974⁷ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

Stephen Maguire
District Director
New York Office
Northeast Region
Enforcement Bureau

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).